IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.391 OF 2002

Smt.Arikomary Francis Samul & Ors. ...Appellants
Vs.
Smt.Rita Thomas Francis ...Respondent

CORAM: A.S.OKA, J.
DATED: APRIL 19,2005.

P.C.:

1. None for the Appellant. Heard Advocate for the Respondent. This Appeal is preferred by the Appellant for taking exception to the order dated 20th April 2001 passed by the learned 6th Joint Civil Judge Senior Division, Pune by which Succession Certificate has been granted under Section 372 of The Indian Succession Act. The averments made in the application for grant of succession certificate show that the claim in the application is valued at Rs.79,771/-. The order granting succession certificate is appealable under Section 388 of The Indian Succession Act. As the valuation of the Application for succession certificate is made at Rs.79,771/-, the Appeal will lie to the District Judge in view of sub Section 2 of Section 388 of the said Act. Hence, this Appeal from Order preferred to this Court is not maintainable.

2. Accordingly, the Memorandum of Appeal be returned to the Appellant for presentation to appropriate Court.

3. Parties to act upon an authenticated copy of this order.

Judge.